

**UTILITY PATENT APPLICATION TRANSMITTAL  
(Small Entity)***(Only for new nonprovisional applications under 37 CFR 1.53(b))*Docket No.  
**4488 P**

Total Pages in this Submission

**TO THE COMMISSIONER FOR PATENTS****Mail Stop Patent Application****P.O. Box 1450****Alexandria, VA 22313-1450**

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**A SYSTEM AND METHOD FOR REQUESTING AND GRANTING ACCESS TO A NETWORK CHANNEL**

and invented by:

**Michael J. Miller****Lyman D. Horne****W. Paul Willes****Douglas M. Grover**If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

Enclosed are:

**Application Elements**

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 60 pages and including the following:
  - a. ☒ Descriptive Title of the Invention
  - b. ☐ Cross References to Related Applications *(if applicable)*
  - c. ☐ Statement Regarding Federally-sponsored Research/Development *(if applicable)*
  - d. ☐ Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
  - e. ☒ Background of the Invention
  - f. ☒ Brief Summary of the Invention
  - g. ☒ Brief Description of the Drawings *(if filed)*
  - h. ☒ Detailed Description
  - i. ☒ Claim(s) as Classified Below
  - j. ☒ Abstract of the Disclosure

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**Applicati n Elem nts (C ntinued)**

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
- a. ☒ Formal      Number of Sheets      26
- b. ☐ Informal      Number of Sheets      \_\_\_\_\_
4. ☒ Oath or Declaration
- a. ☒ Newly executed *(original or copy)*      ☐ Unexecuted
- b. ☐ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
- c. ☒ With Power of Attorney      ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference *(usable if Box 4b is checked)*  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under  
Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby  
incorporated by reference therein.
6. ☐ CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7. ☒ Application Data Sheet (See 37 CFR 1.76)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all must be included)*
- a. ☐ Computer Readable Form (CFR)
- b. ☐ Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ Paper
- c. ☐ Statement(s) Verifying Identical Paper and Computer Readable Copy

**Accompanying Application Parts**

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(B) Statement (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement/PTO-1449      ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☒ Certificate of Mailing
- ☐ First Class      ☒ Express Mail *(Specify Label No.):* ER509040629US

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Total Pages in this Submission

☒ (Optional) Small Entity Statement(s) - Specify Number of Statements Submitted: 2

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***An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.***

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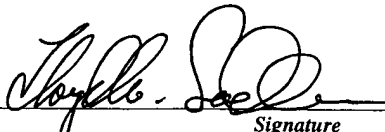
**Fee Calculation and Transmittal**

**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	57	- 20 =	37	x \$9.00	\$333.00
Indep. Claims	8	- 3 =	5	x \$43.00	\$215.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
<b>BASIC FEE</b>					\$385.00
<b>OTHER FEE (specify purpose)</b> <u>Recordation of Assignment</u>					\$40.00
<b>TOTAL FILING FEE</b>					\$973.00

- ☒ *credit card payment form* A ~~check~~ in the amount of **\$973.00** to cover the filing fee is enclosed.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **50-0581** as described below.
- ☐ Charge the amount of \_\_\_\_\_ as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: **9 February 2004**

  
Signature

CC:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTORS: Michael J. Miller  
Lyman D. Horne  
W. Paul Willes  
Douglas M. Grover

ASSIGNEE: Phonex Broadband Corporation

SERIAL NUMBER: n/a

DATE FILED: n/a

TITLE: A SYSTEM AND METHOD FOR REQUESTING AND GRANTING ACCESS  
TO A NETWORK CHANNEL

ATTORNEY DOCKET: 4488 P

Mail Stop: PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**FEE CALCULATION SHEET**

Honorable Commissioner:

The fee for the accompanying patent application is calculated as follows:

Basic Filing Fee (small entity) . . . . .	\$385.00
Independent claims in excess of three . . . . .	\$215.00
( 5 x 43.00 each)	
Claims in excess of twenty . . . . .	\$333.00
( 37 x 9.00)	
<u>Recordation of Assignment . . . . .</u>	<u>\$ 40.00</u>
TOTAL . . . . .	\$973.00

A Credit Card Payment Form for this amount is enclosed. The Commissioner is hereby authorized to charge any deficiency in fees and to credit any over payment to Deposit Account No. 50-0581.

Respectfully submitted this 9<sup>th</sup> day of February, 2004.

  
Lloyd W. Sadler, Reg. No. 40,154  
PARSONS BEHLE & LATIMER  
201 South Main Street, Suite 1800  
Salt Lake City, Utah 84111  
Telephone: (801) 532-1234  
Facsimile: (801) 536-6111

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTORS: Michael J. Miller  
Lyman D. Horne  
W. Paul Willes  
Douglas M. Grover

ASSIGNEE: Phonex Broadband Corporation

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Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING**

Honorable Commissioner:

I hereby certify that the attached paper of fee (Patent Application) is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee," Express Mail Mailing Label Number ER509040629, (under 37 C.F.R. § 1.10) on this 9<sup>th</sup> day of February, 2004 with sufficient postage and in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Mail Stop: PATENT APPLICATION.



Signature of registered practitioner or other person having a reasonable basis to expect mailing to occur on the date of deposit shown pursuant to 37 C.F.R. § 1.8(a) or person actually making deposit pursuant to 37 C.F.R. § 1.10(b).

Lloyd W. Sadler, Reg. No. 40,154

Name of person whose signature is given above

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTORS: Michael J. Miller  
Lyman D. Horne  
W. Paul Willes  
Douglas M. Grover

ASSIGNEE: Phonex Broadband Corporation

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COVER LETTER

Honorable Commissioner:

Enclosed herewith please find the following documents comprising a United States patent application: (1) specification, claims and drawings, (2) declaration of inventor(s), (3) fee calculation sheet, (4) fee, (5) statements of small entity status, (6) information disclosure statement and form(s) 1449, (7) assignment and recordation of assignment cover sheet, and (8) return receipt postcard.

Respectfully submitted this 9<sup>th</sup> day of February, 2004.

  
Lloyd W. Sadler, Reg. No. 40,154  
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201 South Main Street, Suite 1800  
Salt Lake City, Utah 84111  
Telephone: (801) 532-1234  
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INVENTORS: Michael J. Miller  
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REQUEST AND CERTIFICATION UNDER  
35 U.S.C. § 122(b)(2)(B)(i)

Honorable Commissioner:

I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

This request is signed in compliance with 37 C.F.R. 133(b), in that it is signed by a registered attorney appointed in compliance with §1.34(b), and is hereby submitted with the application upon filing.

Applicant understands (1) that Applicant may rescind this nonpublication request at any time. (2) If applicant rescinds a request that an application not be published under 35 U.S.C. § 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed. (3) If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant must notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. (4) Failure to do so will result in abandonment of this application (35 U.S.C. § 122(b)(2)(B)(iii)).

Respectfully submitted this 9<sup>th</sup> day of February 2004,



A handwritten signature in black ink, appearing to read "Lloyd W. Sadler", written over a horizontal line.

Lloyd W. Sadler, Reg. No. 40,154  
PARSONS BEHLE & LATIMER  
201 South Main Street, Suite 1800  
Salt Lake City, Utah 84111  
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Facsimile: (801) 536-6111